

UNITED STATES DISTRICT COURT
FOR OREGON
EUGENE DIVISION

HONORABLE JUDGE MICHAEL R. HOGAN

Lawrence James Saccato
Plaintiff ProSe'

Vs.

U.S. Bank National Association N.D.

Co-Defendant

§
§ Case No:10-CV-06244-HO
§
§
§ MOTION TO STRIKE AND
§ REPLACE DOCKET ITEM
§ NO. 88 WITH ATTACHED
§ ADDENDUM SEALED
§
§

**PLAINTIFF'S MOTION TO STRIKE AND REPLACE DOCKET ITEM
NO. 88 WITH ATTACHED ADDENDUM "A" TO BE FILED UNDER SEAL**

LR 7.1-1 Certification

The undersigned Plaintiff Lawrence James Saccato pro se, has made a good faith effort and conferred with Defendants Counsel, Chris Kayser by e-mail, and Defendants Counsel does not oppose this motion.

INTRODUCTION

(1)

The Plaintiff filed a document Docket No. 88, titled Plaintiff's Separate Statement of Undisputed Material Facts in Support of Motion for Summary Judgment, which had a page identified as Exhibit PEMSJ001, Document 88 Filed 12/02/11 Page 5 of 23 Page ID#: 513, that was covered by a protective order. Even though it was clearly identified and marked as covered by a protective order it was inadvertently entered without being sealed.

(2)

Plaintiff seeks to rectify the error by resubmitting the document with the Exhibit PEMSJ001, filed separately as an addendum and to be filed under seal.

Plaintiff respectfully moves the Court to order the Clerk to Strike Document No. 88 Filed 12/02/11, and replace it with "Plaintiff's Separate Statement of Undisputed Material Facts in Support of Motion for Summary Judgment" with addendum marked as "Addendum "A" Exhibit PFMSJ001" to be filed under seal.

Respectfully submitted this 16th day of December, 2011.

LAWRENCE SACCATO

Lawrence James Saccato pro se'

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CERTIFICATE OF SERVICE

I hereby certify that a copies of the forgoing Plaintiff's Motion to Strike and Replace Docket Item NO. 88 With Attached Addendum Sealed , Separate Statement of Material Facts Case No. 10-06244-HO, was sent by First Class Mail with postage prepaid through the United States Post Office to:

Clerk of the Court
Wayne L. Morse
United States Courthouse
405 East Eighth Avenue
Eugene, Oregon 97401

Chris Kayser for
U.S. Bank National Association N.D.
621 SW Morrison St. Suite 1450
Portland, Oregon 97205

They were deposited in the United States Post Office in Oregon, Oregon on December 16, 2011.

LAURENCE SACCATO
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